

Serial No. 10/825,586
Docket No. PHCF-03089

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REMARKS

Entry of this Amendment is proper because it does not raise any new issues requiring further search by the Examiner, narrows the issues on appeal, and places the present application in condition for immediate allowance.

An excess claim fee payment letter also is submitted herewith for three (3) excess independent claims.

Claims 2-15 are all the claims presently pending in the application.

I. ALLOWABLE SUBJECT MATTER

Applicant gratefully acknowledges that **claims 2-15** would be allowable if rewritten in independent form.

While Applicant believes that all of the claims are patentable over the prior art of record, to speed prosecution, allowable claims 2, 3, 5, 9, 11, and 15 are rewritten in independent form, thereby placing allowable claims 2-15 in condition for immediate allowance.

Claims 1 and 16-19 correspondingly are canceled without prejudice or disclaimer to the filing of a divisional application directed to the subject matter of these claims.

It is noted that the claim amendments are made merely for placing the allowable claims in condition for immediate allowance, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

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II. THE PRIOR ART REJECTION

Claims 1 and 16-19 stand rejected on prior art grounds under 35 U.S.C. 102(b) as being anticipated by Wilkerson, Jr., et al. (U.S. Patent No. 6,539,038).

Claims 1 and 16-19 are canceled without prejudice or disclaimer, thereby rendering this rejection moot. Therefore, the Examiner is requested to withdraw this rejection.

III. CONCLUSION

In view of the foregoing, Applicant submits that allowable claims 2-15, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for immediate allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: November 9, 2005


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CERTIFICATE OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Amendment under 37 C.F.R. § 1.116 to Examiner Joseph P. Martinez, Art Unit 2873, on November 9, 2005.


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